

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BHATTACHARYA, Sampad; GUMMUDAVELLI, Sridhar; JOSHI, Mayank

SERIAL NO.: (International Appn No. PCT/IN2004/000133)

FILED: Herewith (Intl. Filing Date 14 May 2004)

TITLE: EXTENDED RELEASE OSMO-MICROSEALED FORMULATION

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
STATEMENT OF FACTS

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.137(b), the following is a statement of delay caused by unintentional circumstances.

1. The present application was filed on 14 May 2004 as an international application under the PCT, claiming priority from Indian Patent Application No. 504/MUM/2002. The priority date for the application is 5 June 2003.
2. Applicant designated the U.S. Patent and Trademark Office as a Designated Office for entry of the U.S. National Stage under Chapter I of the PCT as a non-provisional patent application.
3. The deadline to enter the U.S. national stage was 5 December 2005, thirty (30) months after the priority date.
4. Applicant did not complete the requirements to enter the U.S. national stage. Applicant's U.S. counsel was provided with instructions on January 2, 2006, past the

priority deadline of 5 December 2005. Applicant did not intend to send the instructions past the deadline.

5. The Application was constructively abandoned as of December 5, 2005, the last day to enter the U.S. national stage.
6. A Notice of Abandonment has not been received.
7. The present petition is less than three months after the date the U.S. Patent and Trademark Office sent the notice of abandonment to Applicant's attorney because a Notice of Abandonment has not yet been sent.
8. The present petition is less than one year after the date of actual abandonment by the U.S. Patent and Trademark Office.
9. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant petitions for revival based upon unintentional delay, and Applicant has included a proper response, comprising a transmittal of the Entry into U.S. National Stage application requirements attached hereto with the required fees. Applicant files the required reply to secure revival of the patent application for entry into the U.S. national stage and eventual consideration and issuance by the U.S. Patent and Trademark Office.

The present Petition for Revival is less than one year of the actual abandonment and less than three months after receiving notice of Abandonment. The entire period of delay, until the filing of the present grantable petition, was unintentional.

Applicant respectfully requests granting the Petition to Revive because the Applicant never intended for the application to be abandoned. Applicant respectfully contends that the application is now in a proper condition for entering the U.S. national stage under Chapter I of the PCT. The government fee of \$1500 is attached.

Respectfully submitted,

Date

~~11~~ 1-6-06

John S. Egbert
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Attorney for Applicant

Customer No. 24106

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BHATTACHARYA, Sampad; GUMMUDAVELLI, Sridhar; JOSHI, Mayank

SERIAL NO.: (International Appn No. PCT/IN2004/000133)

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TITLE: EXTENDED RELEASE OSMO-MICROSEALED FORMULATION

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

PETITION FOR REVIVAL OF AN APPLICATION (37 C.F.R. § 1.137(b))

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

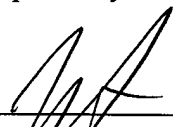
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

on 1-6-06.

1-6-06
Date

Customer No. 24106

Respectfully submitted,



John S. Egbert
Reg. No. 30,627
Attorney for Applicant
Egbert Law Offices
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(713)224-8080
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
1438-15

First named inventor: BHATTACHARYA, Sampad et al.

Application No.: PCT/IN2004/000133

Art Unit:

Filed: 14 May 2004

Examiner:

Title: EXTENDED RELEASE OSMO-MICROSEALED FORMULATION

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500 _____ (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of New Application to Enter U.S. National Stage Under PCT (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/12/2006 ATRAW1 00000138 10563531

12 FEB 2006

1500

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

John S. Egbert

Typed or printed name

[CUSTOMER NUMBER: 24106]

Address

Address

Date

30627

Registration Number, if applicable

713-224-8080

Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

John S. Egbert

Typed or printed name of person signing certificate